

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FLORENCE ELIZABETH MASON, on	:	
Behalf of FLORENCE E. MASON,	:	
EX REL,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 14-5641
	:	
v.	:	
	:	
JOHN O'MARA, Police Officer, et al.,	:	
	:	
Respondents.	:	

**ORDER**

**AND NOW**, this 30th day of December, 2015, after considering the petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody and the attachments thereto filed by the *pro se* petitioner, Florence Elizabeth Mason (Doc. No. 1), the petitioner's motion to correct the records due to clerical mistake and to add additional defendants (Doc. No. 3), the petitioner's purported notice of removal (Doc. No. 7); and after also considering the variety of other documents submitted by the petitioner, including: (1) the petitioner's exhibits proving official misconduct (Doc. No. 11); (2) the petitioner's "evidence of due process violations & improper '1st' proceedings & faulty bench warrants judicial notice" (Doc. No. 12); and (3) the "judicial notice that Cory M. Baritz tainted and perverted all hearings by the Commonwealth" (Doc. No. 19); and after considering the response to the petition filed by the respondents (Doc. No. 20); and

**AFTER ALSO CONSIDERING** the report and recommendation of United States Chief Magistrate Judge Carol Sandra Moore Wells filed on June 17, 2015 (Doc. No. 22) and the petitioner's timely objections and exceptions to the report and recommendation (Doc. No. 24);

and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. The report and recommendation (Doc. No. 22) is **APPROVED** and **ADOPTED** insofar as it recommends that the court dismiss the petition for the failure to exhaust state remedies;

2. The report and recommendation (Doc. No. 22) is **MODIFIED** insofar as it recommends that the court dismiss the petition for failure to exhaust under 28 U.S.C. § 2254; instead, the court will analyze the petition under 28 U.S.C. § 2241 and **DISMISS** the petition for the failure to exhaust state remedies under section 2241;

3. The objections and exceptions to the report and recommendation (Doc. No. 24) are **OVERRULED**;

4. The petition for writ of habeas corpus (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to the petitioner to refile once she has exhausted her state remedies;

5. The petitioner's motion to add additional defendants (Doc. No. 3) is **DENIED AS MOOT**;

6. The respondents' motion for an extension of time to file a response to the habeas petition (Doc. No. 18) is **DENIED AS MOOT**; and

7. The clerk of court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith, J.  
EDWARD G. SMITH, J.